

REMARKS

Section 103 Rejections (Chan ivo Iwasaki)

All claims were rejected as being unpatentable over Chan in view of Iwasaki or being unpatentable over Chan in view of Iwasaki and others. Applicants request reconsideration.

Nothing in Chan or Iwasaki or both of them taken together discloses or suggest the present invention as claimed.

The present invention provides a sensor for monitoring molecular binding interactions in:

a **"porous silicon region defining a top surface and a bottom surface"**,

a **"spectral monitor for monitoring light reflected from said top surface and said bottom surface"**, and

"a computer processor programmed with a computer program for making molecular binding measurements based on changes in spectral interference patterns monitored by at least one spectral monitor while analytes bind with and disassociate from ligands attached to surfaces of said pores."

Chan describes techniques for making measurements using surface enhanced Raman spectroscopy. There is nothing in Chan to suggest a sensor for making measurements based on changes in spectral interference patterns.

Iwasaki describes techniques for preparing a nano-structure having pores of more than one size diameter. There is nothing in Iwasaki to suggest a sensor for making measurements based on changes in spectral interference patterns.

Applicants' sensor technology as claimed is based on changing interference patterns produced by changes in the optical path differences between light reflected off the top of the porous silicon layer and light reflected off the bottom layer. This technology is totally different from Raman spectroscopy technology. Applicants have attached a description of Raman spectroscopy downloaded from Wikipedia, the free WEB encyclopedia.

Conclusion

Since the present invention as claimed is not disclosed or suggested by the

referenced prior art or, to the best of Applicants' knowledge, any other prior art, Applicants request that the outstanding claims (namely claims 1-5, 7-17, 21-26, 28-30 and 38-44 be allowed. Since generic claim 1 should be allowable for reasons given above, species claims 6, 18-20, and 27 that were withdrawn should also be allowable and Applicants request that they be allowed. So Applicants respectfully request, in accordance with Examiner's statements in his 6/15/2006 Office Action, that claims 1-30 and 38-44 be allowed and that the application be allowed to issue as a patent.

Respectfully submitted

A handwritten signature in black ink, appearing to read "John R. Ross", written in a cursive style.

John R. Ross

Regis. No.:30,530

Trex Enterprises Corporation

10455 Pacific Center Court

San Diego, CA 92121-4339

Phone: 858-646-5488

FAX: 858-646-5581